

APPEAL NO. 031701
FILED JULY 31, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 30, 2003. The hearing officer determined that the respondent's (claimant) _____, compensable injury includes an injury at C3-4, C4-5, C5-6, and C6-7 on and after October 11, 2002. The appellant (self-insured) appeals this determination. The claimant urges affirmance of the hearing officer's decision.

DECISION

Affirmed.

Whether the claimant's compensable cervical injury included injuries at C3-4, C4-5, C5-6, and C6-7 on and after October 11, 2002, the date upon which the claimant was involved in a motor vehicle accident (MVA), was a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). It was the hearing officer's prerogative to believe all, part, or none of the testimony of any witness, including that of the claimant. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). While the self-insured asserts on appeal that it met its burden of proving that the sole cause of the claimant's current cervical condition is the result of the MVA, the hearing officer noted that the self-insured did not present a sole cause defense; rather, it asserted that the compensable cervical injury had resolved prior to the date of the MVA. The hearing officer was not persuaded from the evidence that the claimant's compensable injury had resolved prior to the date of the MVA and concluded that the claimant's cervical disc pathology, including foraminal stenosis and osteophytic spurring, was caused by the compensable injury and is not related to the MVA. Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier (**a self-insured governmental entity**) and the name and address of its registered agent for service of process is

**LC
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Chris Cowan
Appeals Judge

CONCUR:

Thomas A. Knapp
Appeals Judge

Veronica Lopez-Ruberto
Appeals Judge